IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Crim. Writ Petition No. 2501 2006

Gyan Jialdas Khasturi ..Petitioner

vs.

1. State of Maharashtra and others ..Respondents

Shri V.N.Tayade for petitioner.
Shri I.S.Thakur, A.P.P. for respondent State.

CORAM: S.B.MHASE AND
Smt.NISHITA MHATRE JJ.
5th December,2006

P.C.

1. Heard the learned Counsel.

2. The petitioner is a person who had come to India from Pakistan. Certain evacuee properties have been allotted to the petitioner by the Government under the scheme of Displaced Persons Resettlement Act. That allotment is also under a reference and reference is pending before the State Govt. since 1986. It is pertinent to note that the Government Officer as per the allotment order has placed the petitioner into possession of the property as per the contention of the petitioner. However, in respect of the same property respondent no. 4 has executed certain documents in favour of respondent no.5

and, therefore, according to the learned Counsel, respondent nos.4, 5 and 6 have committed offence and,therefore, crime should be registered against them. What we find that this is a civil dispute between the parties. Apart from that so far as the petitioner is concerned, the petitioner has filed Writ Petition No.6103 of 2004 in this Court and the said petition is admitted and interim relief has been granted by this Court. Thus, alternative remedy has been availed of by the petitioner. Under these circumstances, we refrain ourselves from entertaining any criminal proceedings. However, it will be permissible for the petitioner to file appropriate complaint if permissible under the law before the Magistrate for the alleged offence. Petition is hereby rejected.

(Smt.NISHITA MHATRE J.) **(S.B.MHASE J.)**